

**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER TO
THE BOARD OF PATENT APPEALS AND INTERFERENCES (Small Entity)**

Docket No.
MMC-10902/29

In Re Application Of: Temple

Application No.

10/827,493

Filing Date

04/19/2004

Examiner

B. Flanagan

Customer No.

25006

Group Art Unit

3739

Confirmation No.

3298

Invention: **HEATER FOR SURGICAL VIEWING INSTRUMENTS**

COMMISSIONER FOR PATENTS:

Applicant(s) hereby appeal(s) to the Board of Patent Appeals and Interferences from the decision of the Primary Examiner dated **July 22, 2005** finally rejecting Claim(s) **1-4**

Applicant is a small entity under 37 CFR 1.9 and 1.27.

☒ Applicant claims small entity status. See 37 CFR 1.27

The fee for this Notice of Appeal is: \$250.00

☒ A check in the amount of the fee is enclosed.

☐ The Director has already been authorized to charge fees in this application to a Deposit Account.

☒ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. 07-1180

☐ Payment by credit card. Form PTO-2038 is attached.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Dated: **Oct. 24, 2005**

Signature

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CC:

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on

10/24/05

(Date)

Signature of Person Mailing Correspondence

Sheryl L. Hammer

Typed or Printed Name of Person Mailing Correspondence